

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2019-0003**

**AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ENTER INTO A
CONTRACT TO PROVIDE SERVICES TO THE STATE WATER RESOURCES CONTROL
BOARD TO SUPPORT CANNABIS CULTIVATION POLICY WORK**

WHEREAS:

1. The mission of the State Water Resources Control Board (State Water Board or Board) is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations. The State Water Board is also responsible for the protection of resources, such as fisheries, wildlife, aesthetics, and navigation, which are held in trust for the public;
2. The State Water Board, in consultation with the California Department of Fish and Wildlife (CDFW) and California Department of Food and Agriculture, shall ensure that the individual and cumulative effects of water diversion and discharge associated with cannabis cultivation do not affect instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. (Business and Professions Code, section 19332(d).);
3. Section 13149 of the Water Code directs that the State Water Board, in consultation with CDFW, shall adopt principles and guidelines (requirements), as part of a state policy for water quality control pursuant to the Porter-Cologne Water Quality Control Act, for diversion and use of water for cannabis cultivation in areas where cannabis cultivation may have the potential to substantially affect instream flow. These requirements may include, but are not limited to: instream flow objectives, limits on diversions, and requirements for screening of diversions and elimination of fish passage barriers. (Water Code section 13149(a)(1)(A) and (b)(2).);
4. The requirements established by the State Water Board shall include measures to protect springs, wetlands, and aquatic habitats from the negative impacts of cannabis cultivation. The State Water Board may include requirements that apply to groundwater extractions where the State Water Board determines those requirements are reasonably necessary. (Water Code section 13149(a)(1)(A) and (a)(B)(2).);
5. The State Water Board, in consultation with CDFW, shall adopt interim requirements pending the development of long-term requirements, and the State Water Board may update the interim principles and guidelines as it determines reasonably necessary. (Water Code section 13149(a)(2).);
6. On October 17, 2017, the State Water Board adopted the *Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation* ([Cannabis Policy](#)), which included interim requirements for cannabis cultivation under [Resolution No. 2017-0063](#);

7. The State Water Board intends to update the Cannabis Policy with long-term requirements, including regional instream flow objectives, which will require technical expertise and support from outside of the State Water Board;
8. The contract would: (a) commit up to a total of \$3 million; and (b) provide a contract term of five years; and
9. Execution, amendment, and associated implementation of the contract are appropriate for redelegation by the Executive Director.

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Executive Director:

- 1) To enter into a contract with a contractor that will be selected through the Request for Qualifications process for technical assistance to support Cannabis Policy work. The State Water Board commits up to \$3 million and authorizes a term of up to five (5) years for the contract.
- 2) To perform all the acts and implement all measures necessary to fulfill the objectives of the contract.
- 3) To redelegate this authority, as appropriate.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 22, 2019.

AYE: Board Member Tam M. Doduc
Board Member Dorene D'Adamo
Board Member E. Joaquin Esquivel
Board Member Sean Maguire

NAY: None

ABSENT: Chair Felicia Marcus

ABSTAIN: None



Jeanine Townsend
Clerk to the Board